REMARKS

Claims 17-26 are pending in the application. Claims 1-16 have been withdrawn from consideration in response to an election by applicant. Claim 17-26 are rejected. The drawings on file have been accepted.

5   More specifically and in accordance with the headings of the Office Action:

A restriction requirement was made by the Examiner, indicating that three independent and distinct inventions were present. Group 1 includes claims 1-4 and 6-16. Group II includes claim 5 and Group III includes claims 17-26. The Examiner explained that each invention had a different classification and each was drawn to separate and patentably distinct subject matter,

10   group III being drawn to a method of linking an item description to an item posted on an auction site. The Examiner notes that Applicants made provisional election to prosecute the Group III clams. Accordingly, claims 1-16 are withdrawn from consideration in this prosecution;

Claim 21 is objected to under Rule 75 (c) as being of improper form as it is dependent from itself;

15   Claims 17, 18, 21-26 are rejected under 35 U.S.C. §102(e) as being anticipated by Hess, U.S. Patent No. 6,415,320; and

Claims 19 and 20 are rejected under U.S.C. §103(a) as being unpatentable over Hess in view of Kumar, U.S. Published Application No. 2002/0,143,634.

20   Regarding the objection to claim 21, Applicant has amended the claim 21 to correctly depend from claim 17. Applicant thanks the examiner for pointing out this error. Furthermore, Applicant has also discovered that claim 22 and 24-26 recite incorrect dependencies. Claim 22 is corrected to depend from claim 17 and claims 24-26 are corrected to depend from claim 23. Applicant apologies for any inconvenience to the Examiner.

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Regarding claim 17, the Office Action has cited Hess '320 as an anticipating reference. Briefly, the Hess '320 reference describes a system for harvesting images from a plurality of sites based on user-supplied information, which includes descriptions of items for sale, and locations from which images associated with the items can be retrieved. From the harvested

30   images, thumbnail images are created and aggregated onto a Web page for presentation at a

remote site, which is the client system. Col. 2, lines 11-17. The Hess '320 reference thus teaches the retrieval of picture information from a site for the posted item on the auction site. The search results described in Hess simply display posted items according to the category information supplied. In contrast, Applicant's invention involves two registered items on the auction site, a

5   linking item and a posted item. The linking item has information by which the posted item is found. The invention described in Hess is not related to the use of a linking item to find a posted item.

More specifically, the Hess reference fails to teach the steps "embedding encoded search information for the posted item into a pointer to an auxiliary site; embedding the pointer in an

10   item description of a linking item," as recited in claim 17. Hess only teaches that *registration information* for a posted item can include a pointer to *a picture* relating to the *posted item*. FIG. 6 in Hess is a registration form used by a seller to register an item for sale. Included in the form and supplied by the seller is a picture URL 650. Col. 6, lines 64-66. The picture URL allows a seller to specify an image to be associated with an item being registered. The

15   harvesting process then downloads the image and converts it to the appropriate format for presentation. Col. 6, line 66 to Col. 7, line 9. In the presentation process, a predefined page format is obtained and information is retrieved from the listing database corresponding to the items that will be displayed for the category and page requested. Col. 9, lines 5-10. The items listed, in Hess, include a thumbnail image, a title, a minimum bid and the auction ending

20   time. The detailed description of an item, in Hess, includes the item's starting price, a username associated with the seller of the item, a username associated with the current high bidder, a detailed description of the item, and an image the seller has associated with the item. Col. 1, lines 49-54. No information posted with an item includes a pointer to an auxiliary site, where the pointer itself has embedded within it encoded search information, as

25   recited in claim 17.

The Office Action has cited FIG. 6B, item 650 and FIG. 9A, item 960 as teaching the above steps. However, item 650 of FIG. 6B only describes the use of a pointer to a picture of the posted item and document 600 is *a form* used to register an item. Document 600, a registration form, is *not* a linking item that is posted to the auction site, as recited in claim 17. Also, item 960

30   of FIG. 9A is simply a category used by the user to perform a search. The page 900 depicted in

FIG. 9A shows the results of a search for posted items and the category shown therein is not a linking item posted on the auction site, as recited in claim 17.

Additionally, the Office Action has cited FIG. 9A, item 5 in Hess as teaching the step of "posting the linking item to the auction site." However, FIG. 9A shows the results of a search by the user and item 5 is simply the list of items 910 found. Applicant fails to understand how FIG. 9A teaches the step of posting a linking item to the auction site.

The Office Action has cited FIG. 9B, item 915 in Hess as teaching the step of "finding the linking item with the pointer at the auction site." Item 915 in the search results is the title of one of the found items. As explained in the reference, selecting the title takes the user to a more detailed description of the *same item*. Col. 1, lines 38-43, 44-47. None of the information about the item found, assuming *arguendo* that the item found in Hess is the linking item recited in the claim, includes a pointer, where the pointer contains encoded search information for the posted item. As explained above, Applicant's invention relates to linking one item to another. Hess does not contemplate such a linkage.

The Office Action has cited FIG. 9A, help button 900 as teaching the step "upon selection of *the* pointer, accessing the auxiliary site." Applicant submits that the pointer in question is not just any pointer such as a help button pointer but the pointer to the posted item. The use of a help button in Hess is unrelated to the pointer referred to in the claim.

The Office Action has cited Col. 4, lines 19-23 in Hess as teaching the step "decoding the encoded search information into readable text at the auxiliary site." Applicant submits that the cited portion does not teach the step in question. The cited portion of the reference states that server 210 delivers the requested document, typically in the form of a text document coded in a standard markup language such as HTML. However, the claim recites that at the auxiliary site the encoded search information which was embedded into the pointer to the posted item, is decoded. The search information, as later recited in the claim, is used to find the posted item. Applicant submits that the search information referred to in the claim is not an HTML Web page and the decoding of the search information is not the delivery and interpretation of an HTML Web page.

The Office Action has cited Col. 6, lines 29-40 in Hess as teaching the step "upon selection of the readable text, invoking a search engine of the auction site with the decoded search

information as a search parameter to find the posted item and item description." Applicant submits that the cited portion does not teach the step in question. The cited portion of the reference describes the harvesting process which relates to gathering the user-specified images for listed items. The harvesting process described in the reference is not a search of the auction

5   site, it is an internal process of the auction site to gather images for listed items.

Therefore, Hess does not teach each and every limitation of Applicant's invention as recited in claim 17.

Regarding claim 18, Hess fails to teach the limitations of claim 18 at least because Hess fails to teach the limitations of claim 17. The Office Action has alleged that Col. 4, lines 11-18 of

10   Hess teaches the limitations of claim 18. However, the description in the reference relates to the general use of URLs to retrieve HTML documents. The reference says nothing about embedding the URL in an item description of a linking item, because Hess has no linking items.

Regarding claim 21, Hess fails to teach the limitations of claim 21 at least because Hess fails to teach the limitations of claim 17. Additionally, Hess fails to teach the limitation "wherein the

15   step of finding the linking item at the auction site includes searching for the item at the site using a search engine of the auction site" of claim 21, because Hess has no linking items to find, the linking items being items that have pointers with encoded search information for the posted item.

Regarding claim 22, Hess fails to teach the limitations of claim 22 at least because Hess fails to teach the limitations of claim 17. Additionally, Hess fails to teach the limitation

20   "submitting to the site confirmation data that includes actual item description data, actual auction parameter data, the retrieved item number, retrieved item key, the user id and the user password to post the linking item for sale to the site," because Hess teaches nothing about the use of a retrieved item number and retrieved item key. The Office Action has cited FIG. 9B 900 of Hess as teach the limitations of claim 22. As explained above, item 900 is a document showing the

25   results of a search. The limitations of claim 22 relate to posting a linking item on the auction site. Showing search results is not the same activity as posting an item on the auction site.

Regarding claim 23, Hess fails to teach the limitations of claim 23 for the same reasons Applicant set forth regarding claim 17. Furthermore, Hess does not teach the step "displaying search information for the posted item in the auxiliary window based on the linking item and the

30   determined identity of the user, the search information for the posted item obtained from a database

at the auxiliary site," as recited in claim 23. Hess obtains no search information based on the determined identity of the user and the linking item itself. Hess's search information is only a category.

Regarding claim 24, Hess fails to teach the limitations of claim 24 at least because Hess fails to teach the limitations of claim 23. Furthermore, Hess fails to teach the limitation "wherein the pointer is an HTML in-line frame tag." The cited portion of the reference, FIG. 9B, item 900, is a document presenting the results of a search. The limitation of claim 24 relates to a pointer in a linking item, which is posted to the site.

Regarding claim 25, Hess fails to teach the limitations of claim 25 at least because Hess fails to teach the limitations of claim 23. Additionally, Hess fails to teach the limitation "wherein the step of finding the linking item at the auction site includes searching for the item at the site using a search engine of the auction site," because Hess has no linking items to find.

Regarding claim 26, Hess fails to teach the limitations of claim 26 at least because Hess fails to teach the limitations of claim 23. Additionally, Hess fails to teach the limitation "submitting to the site confirmation data that includes actual item description data, actual auction parameter data, the retrieved item number, retrieved item key, the user id and the user password to post the linking item for sale to the site," because Hess teaches nothing about the use of a retrieved item number and retrieved item key. Furthermore, the cited portion of the reference does not relate to posting a linking item.

Regarding claim 19, the Office Action has alleged that Hess in combination with Kumar teaches the limitations of claim 19, with Kumar teaching the limitation "wherein the encoded search information is in the form of ASCII codes for the readable text." Applicant submits that the combination of Hess and Kumar cannot teach the limitations of claim 19, because Hess does not teach the limitations of claim 17, from which claim 19 depends, and Kumar fails to teach the added limitation "wherein the encoded search information is in the form of ASCII codes for the readable text." The encoded search information is not just any search information, but the search information for the posted item, which information is embedded into the pointer to the auxiliary site. The combination of Hess and Kumar does not teach the use of such search information. The cited portion of Kumar only teaches the use of ASCII character set in a User ID code, which is

used in a wireless payment system. Kumar does not disclose the use of any such information in any search. Because Hess fails to teach the limitations of claim 17 and Kumar fails to teach the additional limitation of claim 19, the combination of Hess and Kumar fails to teach or suggest the present invention as recited in claim 19.

5   Furthermore, Applicant submits that there is no teaching or suggestion to combine the teachings of Kumar with those of Hess. Hess is concerned with maintaining a database of pictures for items registered to be sold at auction. Kumar is concerned with the security of payments at the point of sale. Hess never mentions the actual payment process for an item sold at auction. One of ordinary skill in the art familiar with the teachings of Hess would have had no

10   reason to employ the teachings of Kumar for point of sale transactions. One of skill in the art familiar with the point of sale teachings of Kumar would have had no reason to apply those teachings to the on-line auction site of the Hess reference, which has no disclosed point of sale activity.

         Regarding claim 20, the Office Action has alleged that the combination of Hess and

15   Kumar meets the limitations of claim 20. Applicant submits that Kumar fails to teach the limitations of claim 17 from which claim 20 depends and Kumar fails to teach the additional limitations of claim 20, such that the combination of Hess and Kumar fails to teach Applicant's invention as recited in claim 20. Claim 20 adds the limitations "wherein the encoded search information is encrypted information; and wherein the step of decoding the search information

20   includes decrypting the search information." Kumar fails to teach the use of any information in a search, and encrypted or otherwise. The cited portion of the reference describes the protocol by which the buyer receives a message on a portable telephone asking for a confirmation of the transaction and asking for a PIN. This portion of the protocol in Kumar is unrelated to the use of encoded search information to find a posted item and unrelated to the encoded search

25   information being encrypted information.
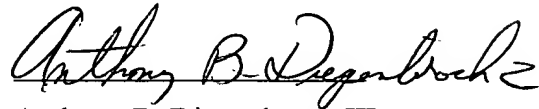
         Furthermore, Applicant repeats the submission that there is no motivation to combine the teachings of Hess and Kumar.

         Applicant has added claim 27 which Applicant believes is consonant with the restriction requirement. Applicant believes that neither Hess nor Kumar teaches the limitations of claim 27.

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Thus, in light of the above, Applicants respectfully request reconsideration and allowance of the pending claims and the new claim in the above-mentioned application.

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Respectfully submitted

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[signature]

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